

SENATE BILL 978

By Campbell

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 7 and Title 65, relative to
telecommunications.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 7-52-401, is amended by deleting the section and substituting the following:

(a) A municipality, operating an electric plant pursuant to this chapter, a public or private act, or the charter of the municipality, county, or metropolitan government, has the power and is authorized, on behalf of its municipality acting through the authorization of the board or supervisory body having responsibility for the municipal electric plant, to acquire, construct, own, improve, operate, lease, maintain, sell, mortgage, pledge, or otherwise dispose of a system, plant, or equipment for the provision of telephone, telegraph, telecommunications services, or other like system, plant, or equipment within or outside the corporate or county limits of the municipality in compliance with title 65, chapters 4 and 5, and other applicable state and federal laws, rules, and regulations.

(b) A municipality is only authorized to provide services authorized by this section through its board or supervisory body having responsibility for the municipality's electric plant.

(c) A municipality providing the services authorized by this section shall not dispose of all, or substantially all, of the system, plant, and equipment used to provide the services, except upon compliance with the procedures set forth in § 7-52-132.

(d) Notwithstanding § 65-4-101(6)(B) or another provision of general law or a private act, to the extent that a municipality provides the services authorized by this section, the municipality:

(1) Is subject to regulation by the Tennessee public utility commission in the same manner and to the same extent as other certificated providers of telecommunications services, including, but not limited to, rules or orders governing anti-competitive practices; and

(2) Is considered as and has the duties of a public utility, as defined in § 65-4-101, but only to the extent necessary to effect such regulation and only with respect to the municipality's provision of services authorized by this section.

SECTION 2. Tennessee Code Annotated, Section 4-3-708(d), is amended by adding "municipal electric plants organized pursuant to title 7, chapter 52;" immediately after "business entities that provide broadband services;".

SECTION 3. Tennessee Code Annotated, Section 4-3-708(e), is amended by deleting "ten megabits per second (10 Mbps)" wherever it appears and substituting "twenty-five megabits per second (25 Mbps)".

SECTION 4. Tennessee Code Annotated, Section 4-3-708(e), is amended by deleting "one megabit per second (1 Mbps)" wherever it appears and substituting "three megabits per second (3 Mbps)".

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it, and applies to grants awarded on or after the effective date of this act.